



**City of College Park
Department of Planning, Community & Economic Development
Staff Report**

Reviewer: Miriam Bader

Date: June 25, 2021

A. APPEAL INFORMATION

Appeal No.: CPV-2021-05

Hearing Date: July 1, 2021

Petitioners: Rember R. Gomez-Orellana

Address: 5016 Mineola Road

Council District: 1

Subdivision: Hollywood, Lot 21, Block O

Neighborhood Association: North College Park Community Association

Zoning: R-55

Request:

1. A variance of 84 square feet (3-feet x 28-feet) to allow parking in front of the house.
2. A variance up to 0.6% or 30.07 square feet from the maximum allowable lot coverage of 30% or 1,500 square feet.

Purpose of Request: To construct a single-width driveway.

Requirements:

1. Driveway Encroachment into the Front Yard. Section 27-120.01 (c) of the Prince George's County Zoning Ordinance stipulates that no parking area, other than a driveway no wider than its associated garage, may be built in the front yard of a dwelling.
2. Lot Coverage. Section 27-442 (c) Table II of the Prince George's County Zoning Ordinance prescribes a maximum lot coverage of 30 percent in the R-55 zone.

Property Characteristics:

1. The property is a rectangular 50-foot by 100-foot lot with a total area of 5,000 square feet.

2. The property is improved with a 1,180.07 square foot, brick and frame house that was built in 1950, and a 70 square foot shed.
3. The narrow side yards (7-feet and 8.3-feet) prevent the installation of a standard 10-foot-wide driveway without encroaching in front of the house.
4. A standard curb-cut exists along the eastern frontage where the property owner wishes to install a driveway.

Neighborhood

Characteristics:

1. The property and immediate neighborhood is zoned R-55, single-family residential.
2. Of the 17 properties that front Mineola, 11 have driveways and 8 of these driveways or 73% encroach in front of the house.

Other Information:

1. Parking demand is high and curb space is limited. There is no permit parking along this section of the street.
2. The driveway encroachment ordinance was not adopted until 2002.
5. The homeowner has 2 vehicles. They would like to park at least one on their property. Currently, it is difficult for them to find parking for both cars on the street.
6. The new Zoning Ordinance will permit lot coverage in the R-55 zone to be 35% but it has not yet gone into effect.

CRITERIA FOR GRANTING A VARIANCE

1. ***Property has exceptional narrowness, shallowness, or shape, exceptional topographic conditions or other extraordinary situations or conditions.***

The property has an extraordinary condition in that the original 1950 construction of the house, long before the driveway encroachment amendment to the County Zoning Ordinance in 2002, creates two narrow side yards that cannot accommodate a compliant driveway without encroaching in the front yard.

2. ***The strict application of the County Zoning Ordinance will result in peculiar and unusual practical difficulties to, or exceptional or undue hardship upon the property owner.***

The strict application of the Zoning Ordinance will result in a practical difficulty by preventing the property owner from parking at least one of his vehicles on his property enabling him to have a secure and available parking space at all times.

3. ***The variance will not substantially impair the intent, purpose or integrity of any applicable County General Plan or County Master Plan.***

Granting the driveway variance will not substantially impair the intent or purpose of the applicable County General Plan or County Master Plan since most of the properties with driveways encroach in front of the house. Both the lot coverage variance of 0.6% and encroachment of 3-feet are of minimal additional impact.

C. RECOMMENDATION

Staff recommends approval of the requested variances to permit a parking area encroachment in the front yard of 84 square feet (3 feet x 28 feet) and a lot coverage variance of 0.6% or 30.07 square feet.

D. EXHIBITS

1. Application
2. Site Plan
3. Tax Records
4. Location Map
5. Zoning and Building Footprint Map
6. Impervious Surface Map
7. Aerial Photograph
8. Lot Coverage Calculations
9. Staff Photos



City of College Park Advisory Planning Commission
8400 Baltimore Avenue, Suite 375
College Park, MD 20740
Phone: 240-487-3538 • www.collegeparkmd.gov

EXHIBIT 1

APPLICATION FOR VARIANCE FROM
THE STRICT APPLICATION OF THE
PRINCE GEORGE'S COUNTY ZONING ORDINANCE

Instructions: Please complete and mail to the address above or e-mail to Miriam Bader at mbader@collegeparkmd.gov. All required information must be provided before an application is accepted for processing. An appointment with the City Planning Staff must be made to review the application prior to acceptance. Please call (240) 487-3538 to schedule an appointment. The following items must accompany the application: 1) an accurate plat or site plan drawn to scale that, includes all existing structures, driveway and additions; 2) filing fee or financial hardship waiver request.

OWNER INFORMATION

Name of Property Owner (s) REMBER R. GOMEZ-ORELLANA
Address of Property 5016 NINEOLA RD. COLLEGE PARK MD 20740
Do you reside in the property? ☒ Yes ☐ No
If no, provide home address _____
Telephone (202) 247-5578 Fax _____ E-mail REMBER.ORELLANA@yahoo.com
rembergomez64@gmail.com
Name of Agent/Representative (if any) _____
Address _____ Telephone _____
Have you applied for and been denied a permit? ☐ Yes ☒ No
Have you received a violation notice? ☐ Yes ☒ No If yes, date of notice _____
Has property been the subject of a previous appeal or zoning application? ☐ Yes ☒ No
If yes, provide case number(s) and dates _____
Do you require an interpreter? ☐ Yes ☐ No

DESCRIPTION OF PROPERTY

<u>Hollywood</u>	<u>21</u>	<u>0</u>	<u>—</u>
Subdivision	Lot	Block	Parcel
<u>R-55</u>		<u>5,000</u>	
Zoning		Total Area (Sq ft)	
<u>North College Park Community Association</u>			
Civic Association Name			

VARIANCE REQUEST

List each required variance on a separate line and cite the section of the Zoning Ordinance from which the variance is requested.

- 1) 3-foot encroachment in front yard - Sec. 27-120.01(9)
- 2) .60% over
- 3) _____
- 4) _____
- 5) _____

PURPOSE OF VARIANCE

Describe what you propose to do and why you need a variance.

Limited parking on street
No permit parking

IN ORDER FOR A VARIANCE TO BE GRANTED, ALL OF THE FOLLOWING CRITERIA MUST BE MET. PLEASE INDICATE HOW YOU COMPLY WITH EACH OF THESE.

Criteria #1. Property has exceptional narrowness, shallowness, or shape, exceptional topographic conditions or other extraordinary situations or conditions. (Describe any special conditions and/or circumstances which are peculiar or unique to the property and, that are not characteristic of other property in the neighborhood).

Existing curbcut
No wider on other side
Narrow sideyards that cannot accomodate
a 10' wide driveway
Small lot 50 X 100

Criteria #2. The strict application of the County Zoning Ordinance will result in peculiar and unusual practical difficulties to, or exceptional or undue hardship upon the property owner.
 (The property owner is deprived of property rights commonly enjoyed by neighboring property owners because of the property's unusual features or conditions). Hardship cannot be self-imposed.

Very limited parking on street

Have 2 cars

Convenience for groceries to be close

2 Children want closer to house for safety

Fast traffic on street is unsafe forgetting in and out of car

Criteria #3. The variance will not substantially impair the intent, purpose or integrity of any applicable County General Plan or County Master Plan. (Granting of the variance will not be in conflict with the public interest as requested in these plans).

Limited Negative Impact

driveways that encroach in front of house very common

Narrow Sideyards common

Size of driveway common

NAMES & MAILING ADDRESSES OF ALL ADJOINING PROPERTY OWNERS

(These include properties located on either side, behind and across the street from your property).

5018 Mineola	Miriam Benitez, et al	Same
Property Address	Owner's Name	Owner's Address
5014 Mineola	Tran Thi Khon	Same
Property Address	Owner's Name	Owner's Address
5013 Edgewood Rd.	Miguel Medrano	Same
Property Address	Owner's Name	Owner's Address
5015 Edgewood Rd.	Carla Ries, Jr. + Mary Ries	Same
Property Address	Owner's Name	Owner's Address
5017 Edgewood Rd.	Eric Koontz	Same
Property Address	Owner's Name	Owner's Address
5013 Mineola Rd.	Joseph Kksinski, et al	Same
Property Address	Owner's Name	Owner's Address

Signature of Owner (Required)

Date

06-07-21

Signature of Owner (Required)

Date

5015 Mineola Rd.
5017 Mineola Rd.

Marcos + Raul Osorio

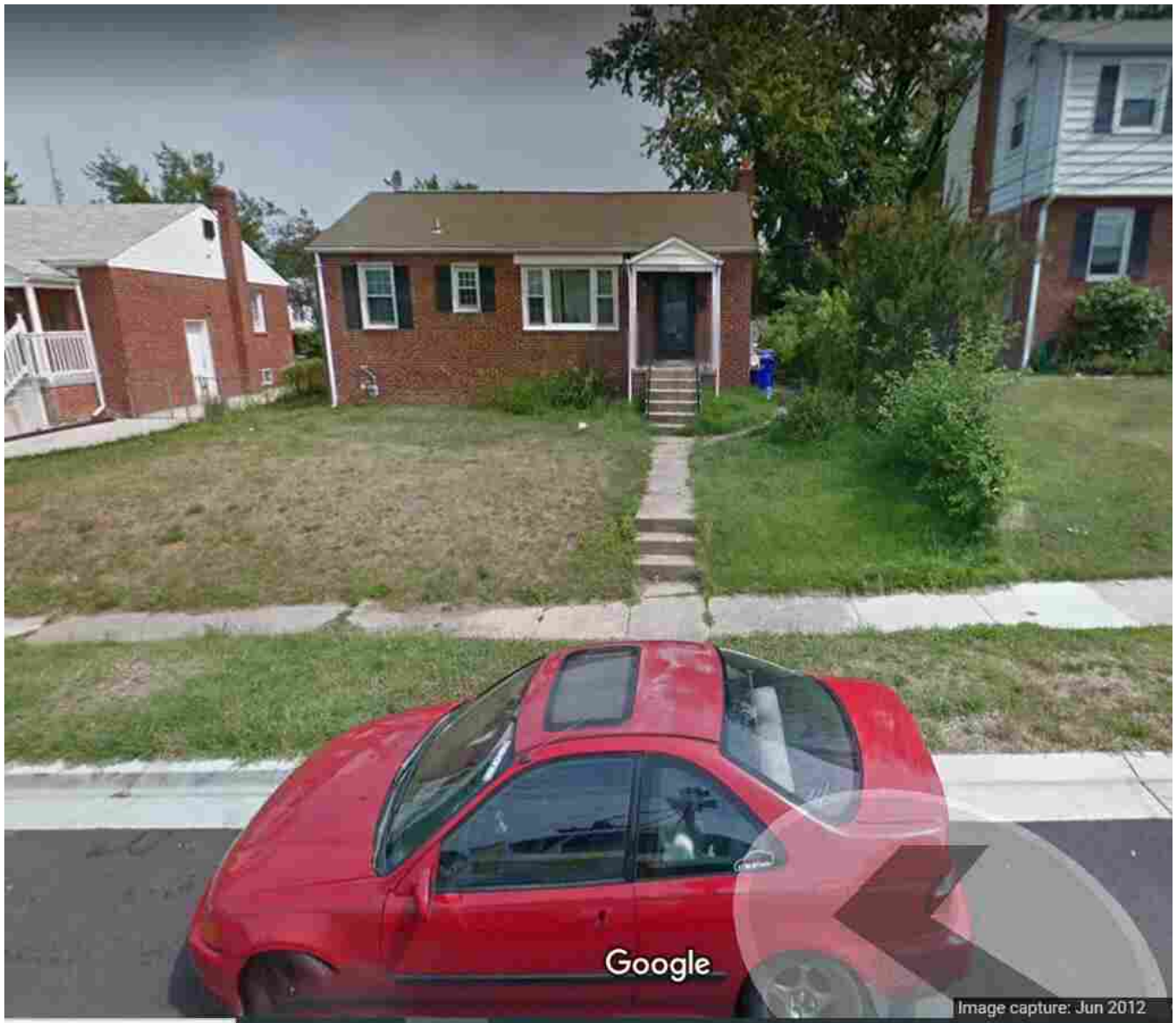
Same

Mario + Yenis Contreras

Same



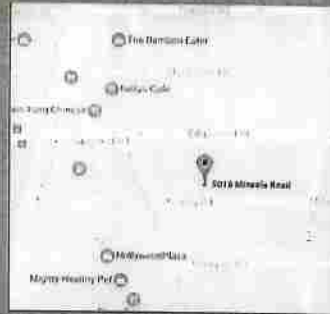
Exhibit 1. Property Photo



RTS

Realty Title Services, Inc.
"Committed To Your Satisfaction"

10750 COLLEEN PINE, SUITE 200 | SILVER SPRING, MD 20901 | 301-439-7850



PROPERTY ADDRESS: 5016 MINEOLA ROAD

COLLEGE PARK, MARYLAND 20740

SURVEY NUMBER: MD1704.0971

FIELD WORK DATE: 4/10/2017

REVISION HISTORY: (REV.0 4/13/2017)

EXHIBIT 2

17040971

LOCATION DRAWING

LOT 21, BLOCK 0

HOLLYWOOD

PRINCE GEORGE'S COUNTY, MARYLAND

04-13-2017 SCALE 1"=30'



- 3:1 Maximum Slope Allowed On Residential Property
- 7% Maximum Parking Pad Slope and 12.5% Maximum Driveway Slope.
- 2.5% Minimum Slope Required On Yard or Lawn Areas. 10" in 10'
- Minimum Slope of Pad Away From Building is Required.

Approved for Soils, Grading and Drainage

By: M.A.A 6/20/19 Date

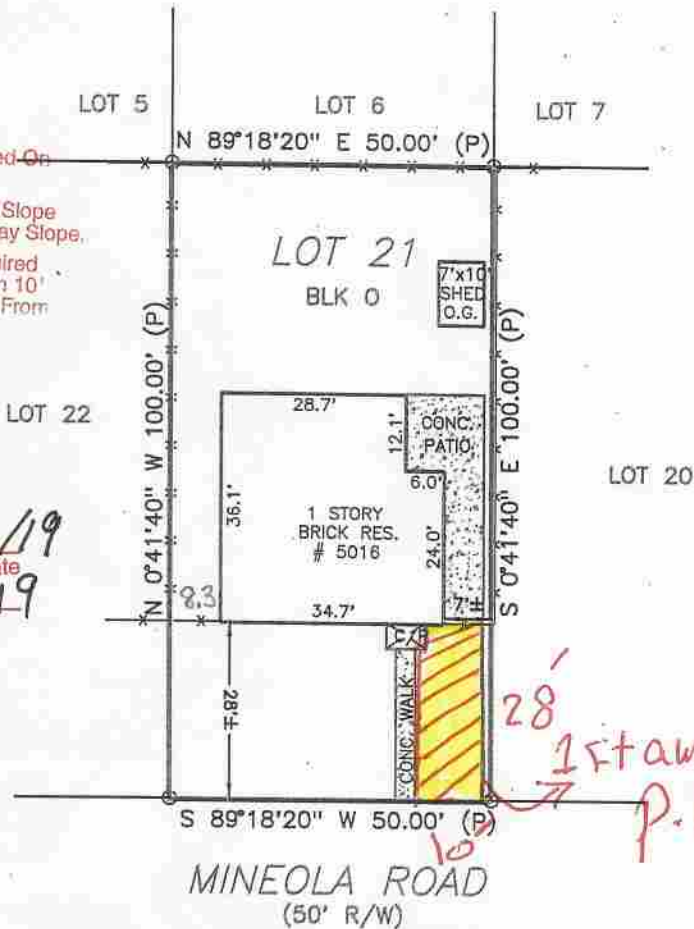
Permit #: 27876-2019

PLEASE NOTE

This House Location Drawing is for informational purposes only. Per Maryland State Code it may not be relied upon to determine property boundaries and may not be used for building permits or construction.



William R. Hebert
EXPIRES 1-14-2019



GRAPHIC SCALE (In Feet)

1 inch = 30' ft.

ACCURACY=3±

Real Property Data Search (.w4)

Search Result for PRINCE GEORGE'S COUNTY

View Map				View GroundRent Redemption				View GroundRent Registration			
Special Tax Recapture: None											
Account Identifier:				District - 21 Account Number - 2381978							
Owner Information											
Owner Name:				GOMEZ ORELLANA REMBER R ETAL HERNANDEZ MEDINA MARITZA R				Use: Principal Residence:		RESIDENTIAL YES	
Mailing Address:				5016 MINEOLA AVE COLLEGE PARK MD 20740-				Deed Reference:		/44158/ 00525	
Location & Structure Information											
Premises Address:				5016 MINEOLA RD COLLEGE PARK 20740-0000				Legal Description:		CAE07-32550 W/TDT 06/30/2008	
Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:	A-1689	
0025	00F1	0000	21034500.17	4500		O	21	2019	Plat Ref:		
Town: COLLEGE PARK											
Primary Structure Built				Above Grade Living Area		Finished Basement Area		Property Land Area		County Use	
1950				1,135 SF		YES		5,000 SF		001	
Stories	Basement	Type	Exterior	Quality	Full/Half Bath	Garage	Last Notice of Major Improvements				
1	YES	STANDARD UNIT	BRICK/ FRAME	3	1 full/ 1 half						
Value Information											
			Base Value		Value		Phase-in Assessments				
					As of		As of		As of		
					01/01/2019		07/01/2020		07/01/2021		
Land:			100,100		100,100						
Improvements			150,700		228,500						
Total:			250,800		328,600		302,667		328,600		
Preferential Land:			0		0						
Transfer Information											
Seller: GOMEZORELLANA REMBER R					Date: 09/29/2020			Price: \$0			
Type: NON-ARMS LENGTH OTHER					Deed1: /44158/ 00525			Deed2:			
Seller: CARTER NORMA					Date: 05/18/2017			Price: \$272,000			
Type: ARMS LENGTH IMPROVED					Deed1: /39572/ 00587			Deed2:			
Seller: BARCLAYS CAPITAL REAL ESTATE					Date: 11/06/2009			Price: \$209,999			
Type: NON-ARMS LENGTH OTHER					Deed1: /31134/ 00406			Deed2:			
Exemption Information											
Partial Exempt Assessments:			Class				07/01/2020		07/01/2021		
County:			000				0.00				
State:			000				0.00				
Municipal:			000				0.00 0.00		0.00 0.00		
Special Tax Recapture: None											
Homestead Application Information											
Homestead Application Status: Approved 09/27/2017											
Homeowners' Tax Credit Application Information											
Homeowners' Tax Credit Application Status: No Application							Date:				

1. This screen allows you to search the Real Property database and display property records.
2. Click [here](#) for a glossary of terms.

Exhibit 4. Location Map

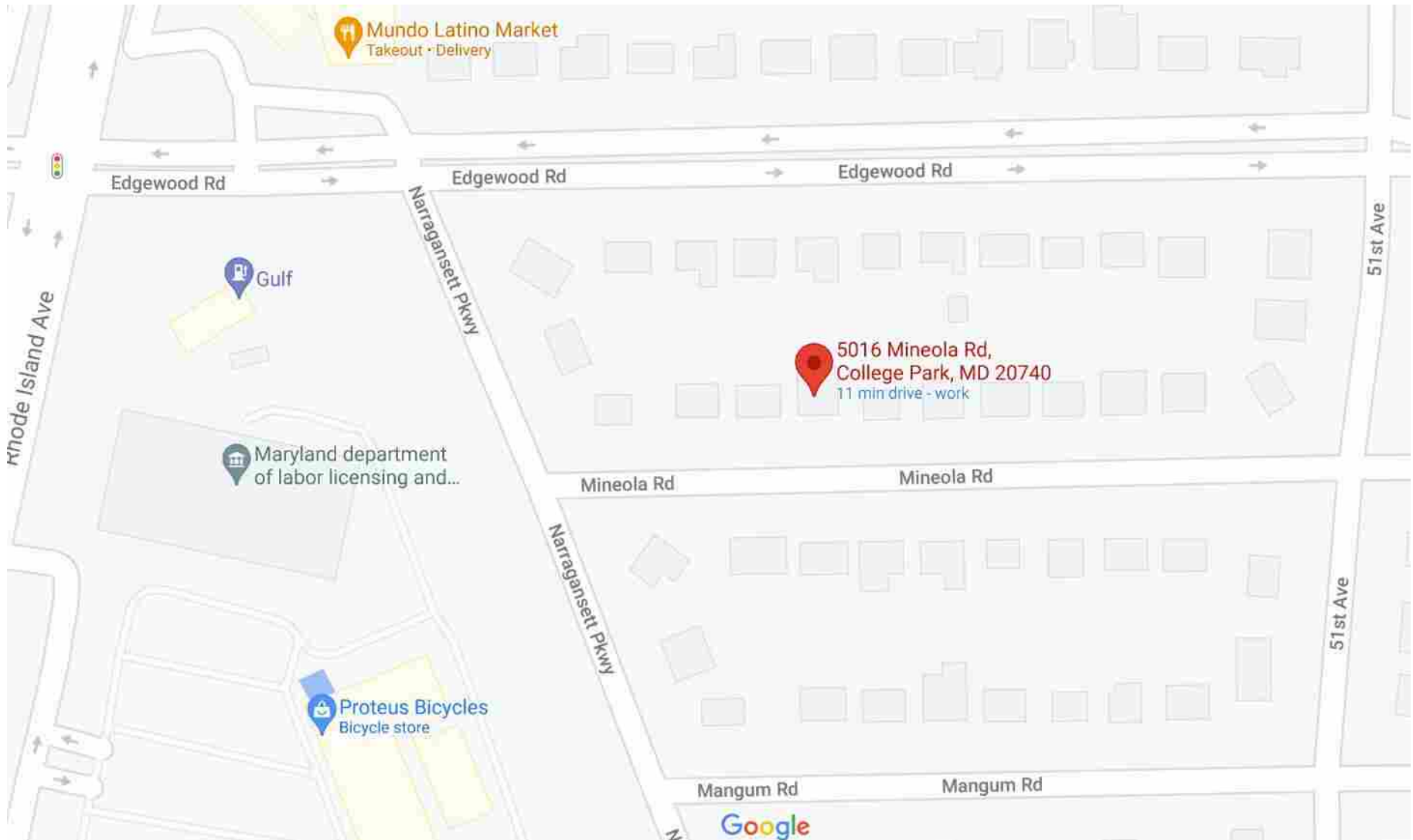


Exhibit 5. Zoning and Building Footprint Map

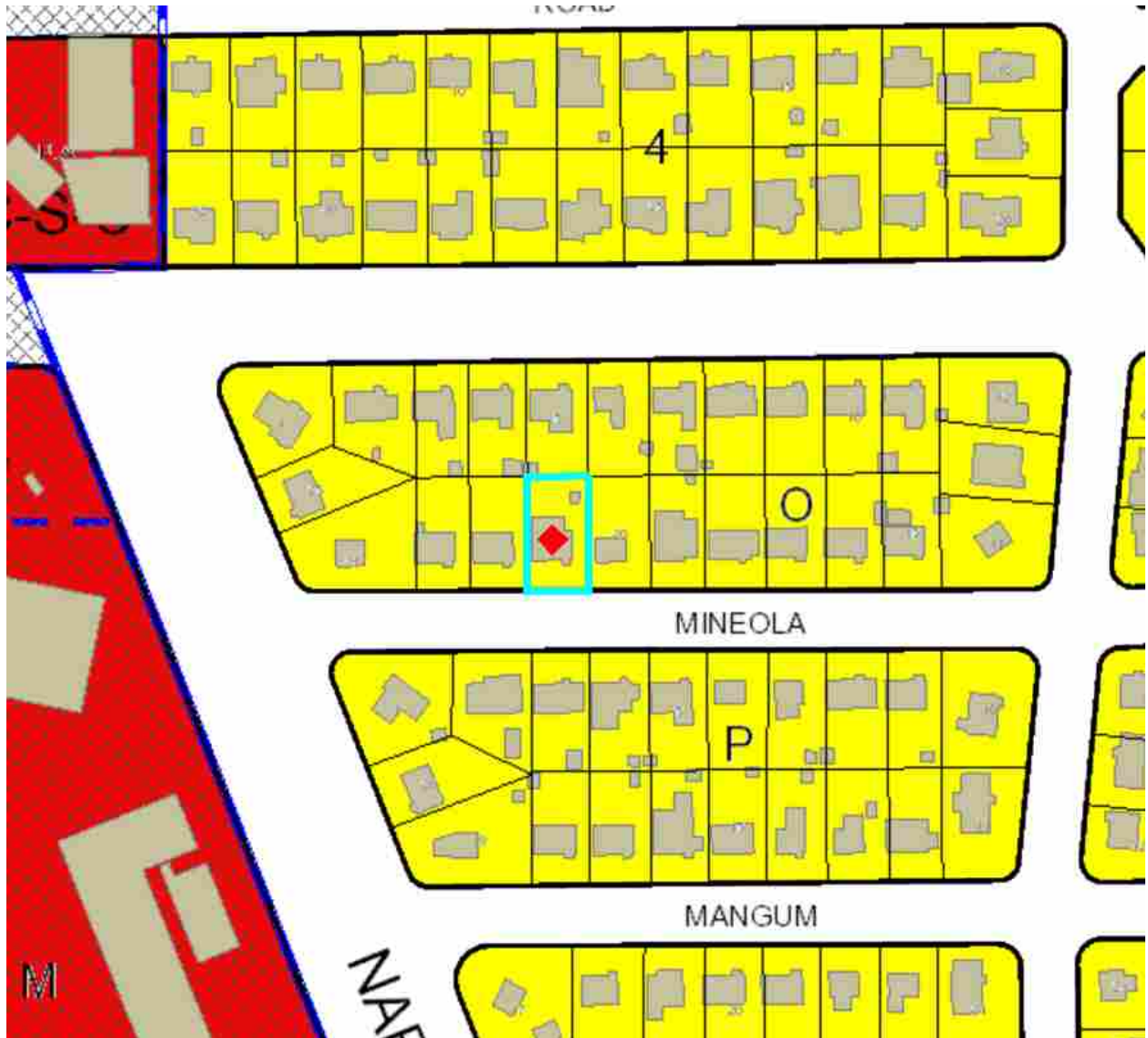


Exhibit 6. Impervious Surface Map

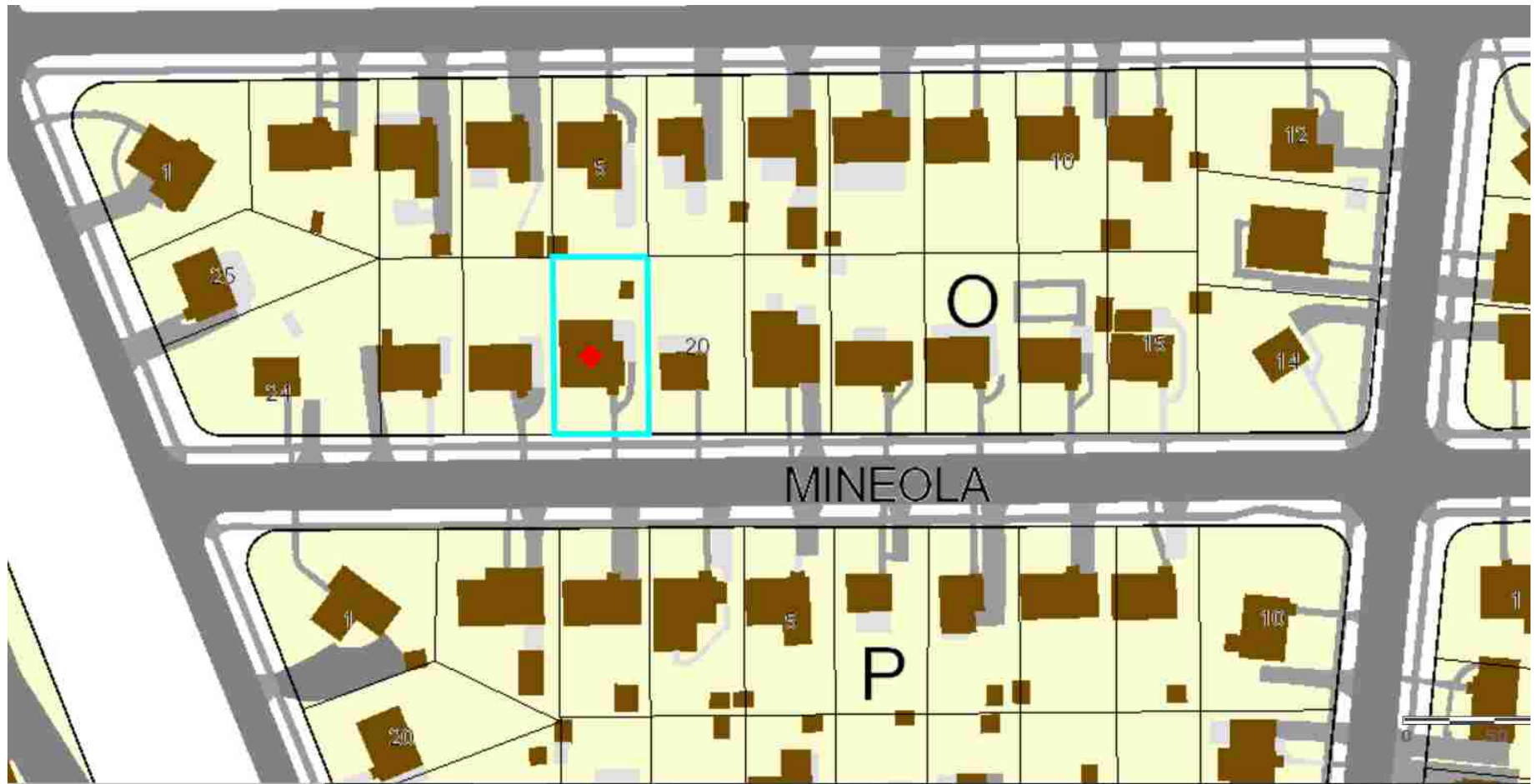


Exhibit 7. Aerial Photograph



5016 Mineola Road

Lot calculations

$$\text{Lot } 50 \times 100 = 5000 \square$$

$$30\% = 1,500 \text{ sq. ft.}$$

House

$$28.7' \times 36.1 = 1036.07$$

$$6' \times 24.0 = 144$$

$$\text{Shed } 7 \times 10 = 70 \square$$

$$\text{Driveway } 10 \times 28 \quad \begin{array}{r} 280 \\ \hline 1530.07 \end{array} \quad \begin{array}{r} \text{or } 10 \times 25 = 250 \\ 10 \times 24 = 240 \end{array}$$

$$\frac{1530.07}{5000} = 30.60\%$$

60%[%] over lot coverage

$$1,530.07 - 1,500 = 30.07 \text{ square feet over}$$

Encroachment

$$3' \times 28' = 84 \square$$

EXHIBIT 9. Staff Photos



A: Subject Property, 5016 Mineola



B: Left Side of Property



C: Right Side of Property



D. Existing Curb-Cut